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27 Attorneys for Settling Defendants ALBERTSONS,

28 LLC, erroneously sued as ALBERTSON'S INC.,

DBA AMERICAN DRUG STORES, INC.,

ALBERTSONS, INC., NEW ALBERTSONS, INC.,

AND SUPERVALU, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HELEN KANG, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

ALBERTSONS, INC., a Delaware
Corporation dba AMERICAN DRUG
STORES, INC., et al.,

Defendants.

Case No. CV 07-0894 CAS (FFMx)

**ORDER OF PRELIMINARY
APPROVAL OF SETTLEMENT,
CERTIFICATION OF
SETTLEMENT CLASS AND
APPOINTMENT OF CLASS
COUNSEL**

1 WHEREAS, on March 24, 2008, Plaintiff Helen Kang (“Plaintiff”) and
2 Albertsons, Inc., Albertsons LLC, New Albertsons, Inc., and SuperValu, Inc.
3 (“Settling Defendants”) entered into a Stipulation of Settlement (“Settlement”)
4 intended to resolve the above-captioned action;

5 WHEREAS, the Stipulation of Settlement sets forth the terms and
6 conditions of a proposed Settlement and dismissal of this action against
7 Defendant;

8 WHEREAS, the Court has before it the parties’ Joint Motion for
9 Preliminary Approval of Settlement and Certification of Settlement Class and
10 Plaintiff’s Motion for Appointment of Class Counsel filed February 29, 2008,
11 together with supporting materials;

12 WHEREAS, the Court has heard the attorneys for the Settling Parties with
13 respect to the proposed Settlement of this action;

14 WHEREAS, the Court is satisfied that the terms set forth in the Settlement
15 are the result of good faith, arms-length negotiations among Plaintiff and Settling
16 Defendants, and experienced counsel for both Plaintiff and Settling Defendants;
17 and

18 WHEREAS, the Court having conducted a hearing respecting the
19 reasonableness of proceeding with this proposed Settlement, the Court now finds
20 and Orders as follows:

21 Conditional Certification of Settlement Class

22 1. Terms used in this Order have the meaning assigned to them in the
23 Stipulation of Settlement.

24 2. For purposes only of the proposed Settlement, a Class defined as
25 follows is conditionally certified pursuant to Federal Rule of Civil Procedure 23:
26 All persons who were employed by Albertsons, Inc., whether in an Albertsons
27 grocery store or a Sav-on Drug Store, by Albertsons, LLC, or by New Albertsons,
28

1 Inc., as an hourly, non-exempt pharmacist in California between November 21,
 2 2002 and the date of this Order, and who do not file a timely request to be
 3 excluded from the Settlement. In the event the proposed Settlement is not
 4 consummated for any reason, the conditional certification set forth in this
 5 paragraph shall be of no further force or effect.

6 Appointment of Class Counsel

7 3. The law firm of Harris & Ruble, and Alan Harris, Jonathan Ricasa,
 8 and David Zelinski of that firm have fairly and adequately represented the
 9 interests of the Class, will continue to do so and, pursuant to Federal Rule of Civil
 10 Procedure 23(g)(1), are appointed class counsel for purposes of representing the
 11 Class conditionally certified in the preceding paragraph of this Order.

12 Preliminary Approval of Settlement

13 4. Pursuant to Federal Rule of Civil Procedure 23(c)(2)(B) and
 14 (e)(1)(B), the provisions of the Settlement are hereby preliminarily approved,
 15 subject to further consideration thereof at the final approval hearing provided for
 16 below. The Court finds that the Settlement is sufficiently within the range of
 17 reasonableness and that settlement is in the best interests of the Class, such that
 18 notice of the proposed Settlement should be given as provided in paragraph 5 of
 19 this Order.

20 Notice to Class Members

21 5. A Notice of Preliminary Approval and Final Approval Hearing and
 22 Right to Be Excluded from the Settlement ("Notice"), in the form attached to the
 23 Stipulation of Settlement as Exhibit B, shall be sent by the Qualified Settlement
 24 Administrator to all Class Members in a manner as agreed to by the Settling
 25 Parties in the Stipulation of Settlement. Further, a Claim Form, in the form
 26 attached to the Stipulation of Settlement as Exhibit D, shall be included in the
 27 mailing of the Notice as provided in the Stipulation of Settlement.
 28

1 6. The Notice to be provided as set forth in this Order is hereby found
2 to be the best means practicable of providing notice under the circumstances and,
3 when completed, shall constitute sufficient notice of the Settlement, the Final
4 Approval Hearing, and the right to be excluded from the settlement to all persons
5 entitled to participate in the Settlement, pursuant to Federal Rule of Civil
6 Procedure 23(c)(2)(B) and (e)(1)(B).

7 7. Any member of the class who desires to exclude himself or herself
8 from, or opt out of, this class action must postmark his or her notification of such
9 intent, pursuant to instructions in the Notice, no later than 30 days from the date
10 of mailing the Notice.

11 The Final Approval Hearing

12 8. A hearing on final settlement approval (the “Final Approval
13 Hearing”) is hereby scheduled to be held before this Court on September 8, 2008
14 at 10:00 a.m. to consider the fairness, reasonableness, and adequacy of the
15 proposed Settlement, Plaintiff’s motion for the award of attorneys’ fees, expenses
16 and costs, the dismissal with prejudice of the class action with respect to
17 Defendants, and the entry of the final judgment in this action. The date and time
18 of the Final Approval Hearing shall be set forth in the Notice.

19 9. All papers in support of final approval shall be filed on or before
20 August 18, 2008. Plaintiff’s motion for the award of attorneys’ fees, expenses
21 and costs shall be filed on or before August 18, 2008.

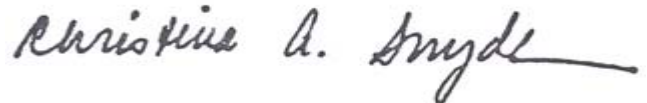
22 10. Any Class Member may, but need not, submit comments or
23 objections to the proposed Settlement. All such comments and objections must
24 be filed with the Clerk of the Court, in writing, no later than 30 days from the
25 mailing date of the Notice, and copies of all such papers must be mailed or
26 delivered to class counsel and Settling Defendants’ counsel on or before the same
27
28

1 date. Settling Parties may respond to any comments or objections filed in
2 accordance with the provisions of the Stipulation of Settlement.

3 11. Class Members wishing to be heard at the Final Approval Hearing
4 are required to file written comments or objections and indicate in the writings
5 their intention to appear at the hearing. Class Members need not appear at the
6 Final Approval Hearing or take any other action to indicate their approval of the
7 Settlement.

8 12. Any Class Member may, but need not, enter an appearance through
9 his or her own attorney or may appear without an attorney.

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11 Dated: April 7, 2008



12 Hon. Christina A. Snyder
13 United States District Court Judge
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